

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**
Newport News Division

JULIE GLENNON and THOMAS E.
OVERBY, JR., individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

ANHEUSER-BUSCH, LLC,

Defendant.

Case 4:21-cv-00141-AWA-DEM

DEFENDANT'S RESPONSE TO NAMED PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Anheuser-Busch, LLC (“A-B”) respectfully submits this response to the notice of supplemental authority filed by Plaintiffs on May 6, 2022 [ECF #31]. Exhibit A to Plaintiffs’ notice is an opinion and order issued on May 6, 2022 in *Stacy v. Jennmar Corp. of Virginia*, Case 1:21-cv-00015 (W.D. Va. filed Apr. 12, 2021) granting a motion for Rule 23 class certification of Virginia Minimum Wage Act, Virginia Wage Payment Act, and Virginia common law claims filed by individuals represented by the same counsel as Plaintiffs. *See id.* at Ex. A.

The *Stacy* class certification decision is of no avail to Plaintiffs because the defendants in that case did not assert, and the court never considered, any of the arguments made, or authorities cited, by A-B in support of its motion to strike Plaintiffs’ Rule 23 class allegations [ECF #s 23, 24]. In particular, the *Stacy* defendants never challenged Rule 23’s application to claims for relief under subsection J of the Wage Payment Act. *See generally* Defendants’ Response in Opposition to Named Plaintiffs’ Motion for Class Certification, *Stacy*, ECF #39 (Jan. 7, 2022). Instead, the *Stacy* defendants argued that the plaintiffs did not satisfy certain requirements of Rule 23(a) and

(b). *See id.* at 10–19. Thus, the court did not have an opportunity to consider whether Rule 23 should apply to the plaintiffs’ claims in the first place, in light of *Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co.*, 559 U.S. 393 (2010).

Accordingly, the *Stacy* court’s class certification decision does not address A-B’s arguments and is of no consequence to A-B’s motion to strike.

Dated: May 11, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 11, 2022, I electronically filed this document through the ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Robert G. Lian, Jr.

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